

National Forest Advisory Board Meeting

May 18, 2016

Mystic Ranger District

Members Present:

Chairman Dick Brown, Dave Brenneisen, Bob Burns, Jennifer Hinkhouse, Perry Rahn, Lauris Tysdal, Danielle Wiebers, Mary Zimmerman, Nancy Trautman, Patty Brown, Lon Carrier, Alice Allen, John Gomez, Derek Nelson, Victoria Sprague,

Members Absent:

Dave Hague, Luke Ortiz, Linda Tokarczyk, Josh Van Vlack, Jeanne Whalen, Ben Rhodd, Craig Tieszen, Keith Haiar, Wayne Bunge, David Miller, Mike Verchio, Derek Alexander, Jessica Crowder, Kelly Hepler, Susan Johnson, Dennis Yellow Thunder, Tony Leif

Forest Service Representatives:

Jerry Krueger, Jim Zornes, Beth Doten, Scott Jacobson, Rhonda O'Byrne, Brad Turberville, Steve Kozel, Ruth Esperance, Tracy Anderson, Twila Morris, Ralph Adam

Others:

Approximately 10 members of the public were in attendance. Two Congressional Representatives were also in attendance; Mark Haugen (Thune – R, South Dakota) Katie Murray (Rounds – R, South Dakota).

Introduction & Welcome:

Brown: Call the meeting to order, 1:00 p.m. Good afternoon, we'll call the May 18th meeting to order, and turn this over to the Forest Supervisor.

Zornes: Good Afternoon everyone, thank you for being here. My first weekend here, my wife and I took a little trip through the forest. I always heard about the Black Hills and how rich the experience is here; but seeing it is different than hearing about it. I was amazed to see that what I heard is actually what I saw. I know you have been faced with a lot of issues here; including mountain pine beetles and the inholdings. The number of inholdings on this Forest has got to be higher than any other. The other piece to that is, the diversity and richness of this area, to have an Advisory Board really is special. Thank you for giving your time and being here today and spending your time helping us manage the national forest.

We have a new Deputy District Ranger, Brad Turberville on the Northern Hills District; welcome Brad.

Approve the Agenda:

Brown: We would like to approve the agenda that is before you; motion made by Lon Carrier second by Patty Brown; comments or observations? All in favor say aye, opposed say nay; the May agenda is approved.

Approve the April 20 Meeting Notes:

Brown: Because of the activities in April; the minutes of the April 20th meeting are not edited, so we'll approve them next month.

House Keeping

Zornes: Thank you Mr. Chairman. Anything that has to do with housekeeping, you want to get it right; restrooms are out front, there are also restrooms side to side. If there is an emergency; and the threat is out front, we will exit out the back, and if the threat is to the back, we'll exit out the front.

Meeting Protocols:

Brown: This committee is made up of 16 areas of interest, the members are appointed by the Secretary of Agriculture. We welcome all members of the audience to the meeting today. We provide 15 minutes for general public comment at the end of each meeting. If we do not have time for that, we urge you to visit with your designated representative. We first provide an opportunity for the membership to provide comment, on occasion we will make exception to that and take comments during presentations. This Board is approved by the Secretary of Agriculture; to assist the Forest Supervisor by offering advice on a broad range of issues. Please mute your cell phones. If there are any other alternates that would like to sit at the table, please do so if there is room.

Hot Topics

Legislative Updates – Federal

Brown: Next we'll have our Federal delegations give us an update; we'll start with Mark Haugen from Senator Thune's office.

Haugen: Good Afternoon, the Senate has been working on appropriation bills; this is the earliest they have started working on appropriation bills since the 1970s.

ZEKA Bill is the latest bill to be taken up; trying to hash out a bill to get eradication efforts underway as well as research. The Senator also has an amendment regarding the Clean Water Act to allow for mosquito spraying etc.

Senator Thune along with Senator Rounds and Representative Noem are looking into the process behind selecting CRP Acres. The latest batch from South Dakota had 727 SD applications for 42,000 acres, and of those two applications were approved for 102 acres. Something seems off in those calculations so the Senator is looking in to that.

The Senate passed the NATIVE Act, "Native American Tourism Improving Visitor Experience Act".

Does anyone have any questions?

Patty Brown: Is the Senator going to be Vice President?

Haugen: I'll probably know that two minutes before you do, but I wouldn't bet on it.

Brown: Thank you Mark. If there are no more questions for Mark, we'll go to Katie Murray from Senator Round's office.

Murray: Good Afternoon. The Senator is working on the Energy and Water Development Appropriations; \$55 million has been designated for the long baseline neutrino facility, the Stanford Facility in Lead.

The Senate finished up a transfer of 200 acres of land from the BLM to the National Cemetery; this will have them set till 2097.

Senate Arms Services Committee passed a national security bill. This will be helpful when there is a cyber-attack; it tells the administration to outline what a cyber-attack is and when it constitutes as a war attack.

Brad from Representative Noem's office couldn't be here today, but he wants to remind everyone that they have moved, they are in the Clock Tower Plaza.

Brown: Thank you Katie, if there are no questions for Katie; we'll move on to Wyoming. Our regular representatives from the Wyoming Offices are not here today. Jennifer (Hinkhouse) do you have anything you want to add today?

Hinkhouse: No thank you.

Brown: Also neither of the Senators from the SD side are here so we'll forego a brief on the SD side as well. We appreciate you all being here from Wyoming and South Dakota, and the broad range of things you represent, thank you.

Forest Service Hot Topics – Cook Lake ~ Jim Zornes

Zornes: The only hot topic we have today is the Cook Lake issue; we'll be going out there Friday so that I can get a firsthand look at that. I'll ask Jerry to give the update.

Krueger: It is indeed a hot topic. For context, we had some concerns about land slide issues above the recreation facilities at Cook Lake. That resulted in the Forest Supervisor issuing a closure order for that recreation facility in light of the exposure and liability at that facility. That caused a tremendous amount of anxiety; it is an extremely popular facility. At the same time we issued the closer order, we let a contract to the Colorado School of Mines to study the facility. The report came back in April regarding the possibility for future landslides and the probability that it would affect the recreation facilities. We got the report; it was a very general response, saying it – might – or it might not slide again. Our response to that is that we have initiated a risk assessment of the area; based on the scientific report; we convened a panel; subject matter experts to go over the report. We'll also purchase land movement instruments and use those as an added precaution. This report did not take into account dam safety. The risk hasn't changed from when we closed the facility, but before we open it we want to do our due diligence in making sure it is safe; we are not immediately opening up Cook Lake.

Brown: So there is no public access, and their won't be till you get a better feel for the safety, thank you.

Regular Agenda

Annual Ethics Training ~ Scott Jacobson

Brown: At this time, we'll move into the regular agenda; I'll turn it over to Jim.

Zornes: Thank you Chairman Brown. We have an annual requirement for Ethics training, so I will turn it over to Scott Jacobson to present this piece.

Jacobson: Thank you Jim. In the past we've listened to a recording of a training session that was held in the Washington Office in order for us to meet our requirement of Ethics training. This year, I'm handing out a document that I would like you to all read, and put in your NFAB binder; this will certify that you have completed the Ethics training for 2016. The document is shown below:

Ethics Overview for “Representatives” Serving on USFS Advisory Committees*

The Government is very grateful for your dedicated service. You have been selected to serve as a “**Representative**” on the **Forestry Research Advisory Committee (FRAC)** so that you can share the viewpoints and perspectives of the community or sector you are representing on the committee on which you are serving. As a representative, you ***are not*** considered to be a government employee, however, while serving on the Government Committee your commitment in upholding the integrity of the Committee's deliberations and recommendations during and even after your committee service ends is important and will help maintain public confidence in the U.S. Forest Service decision making, and in the quality of your committee's work.

As a practical matter, we do not expect representatives (while on the committee) to deal with particular matters requiring their disqualification from the committee. However, even in the absence of a financial conflict of interest, your outside relationships (with your spouse, close family member, or a business partner) may at times raise questions in the public's mind about your ability to be fair and unbiased while working on a particular committee matter.

The essential point is to avoid participating in those particular matters (such as contracts, grants or applications) in which you could reasonably be viewed by others as engaging in “self-dealing” to benefit yourself or someone close to you. Therefore, you should be alert for situations when you are asked to work on a committee matter where: *a member of your household; a former employer or a prospective employer; a client of yours or your spouse; a person or organization with which you have some kind of business or contract relationship; or your spouse's employer,* will be specifically affected by your committee's activities.

If you are unsure whether a potential situation could raise an appearance problem, you should stop your work on that committee matter and contact the committee's **Designated Federal Officer (DFO)** and your ethics advisor to discuss your concerns*.

While FACA Committee (Representatives) members are not considered federal employees subject to the ethics rules, as part of the Government's team they are expected to know and follow these basic Standards of Conduct:

DON'T

- Do not misuse, or cause a federal employee to misuse, government property or time.
- Don't accept improper gifts (*from those seeking actions from your committee*).
- Don't use public office for private gain.
- Don't misuse internal non-public Government information.
- Don't accept compensation for teaching, speaking, and writing related to your Government duties.
- Don't engage in partisan political activities while performing your Government duties or while in a Federal building.

Do

- Alert your DFO if any work before you on the committee involves a 'specific party matter' (*i.e., narrowly focused matters that involve specific transactions between identified parties*) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department (or its sub-agencies) in which the member has a direct or indirect financial interest.
Or its sub-agencies.

The Designated Federal Officer for this Committee and their contact information is as follows:

Jim Zornes, Acting Forest Supervisor, Black Hills National Forest, jzornes@fs.fed.us (605) 673-9201

*This guide is intended for FACA Committee Members classified as "Representatives" only. Committees comprised of experts or "Special Government Employees" (SGE's), are subject to the Executive Branch Ethics Rules and should contact their ethics advisors directly for ethics guidance regarding potential conflicts and appearance issues. FSEthics@oe.usda.gov

Recreation Facility Working Group Update ~ Dick Brown, Ralph Adam

Brown: The next item on the agenda is an update from the Working Group for Recreation Facilities. The Advisory Board has not been directly involved in this. We'll ask Ralph Adam to bring us up to date; and how we plan to proceed from here and take a look at the Recreation sites in the Black Hills. Working Group members are Myself, Alice Allen, Linda Tokarczyk, Lon Carrier.

Adam: My name is Ralph Adam, I am the Physical Resources Staff Officer for the Forest. The Recreation Site Analysis is a systematic analysis; to go through and right size the facilities for your budget and what your niche is on the forest. We work with a team of FS employees that are not on this Forest that take us through a process of pulling together the data, what the condition is, what the usage is, etc. All our staffs and Recreation Program Manager lead us through. We've gathered our data, and now we are prioritizing with the District Rangers, and prioritizing our sites.

The analysis from 2008 did not engage the public, this year we plan to do a much better job at that, and use the NFAB as an arm of that. There may be some tough decisions coming regarding sites with low usage. We are going to take the next step in a month.

Brown: Is the Team you refer to an in-house Team, or the Working Team?

Adam: It is the in-house team, Forest Service employees.

Brown: The Working Group has visited many of the sites, and we are familiar with them. We have a spreadsheet with each site and there are questions to assess each site. Our role will be to get that results from the Working Group's viewpoint and present that to the Board. In the big picture, funding needs of the recreation facility management sites compete for the same pool of money that is available for other recreational uses in the Black Hills National Forest. The members of the Working Group look forward to taking a look at the recreation facility management plan. Alice or Lon, do you have any comments?

Burns: Does FRM (Forest Recreation Management) have a word in this, and what about making some of the areas fee areas.

Adam: Voice in it yes, but not a part in it; only input like the rest of the public.

Burns: What is the process for FRM to operate the Forest Service recreation sites?

Adam: The forest has a concessionaire that operates all of our developed recreation sites and campgrounds. They operate them in exchange for the workforce, maintenance and upkeep; we get a slice of money back; a percentage of the gross revenue; about \$120,000 per year to funnel back into maintenance at the sites that they operate. It's a five year permit; renewable for another five years.

Brown: How many sites are under the concessionaire?

Adam: A vast majority; they do have input, but they are not a voting member so to speak.

Gomez: You mentioned prioritizing, or ranking, is that completed, and what is that for?

Adam: It's a means to determine where we will spend our money and why; it's not complete but it is moving through the levels. This is internal, then we'll take it to the public for input.

Brown Patty: they funnel money back, how much of the upkeep do they do, any big projects?

Adam: They only do minor projects, up to a \$1,500.00 dollar limit,

Black Hills Resilient Landscapes Project Update ~ Rhonda O'Byrne

Brown: Our next topic is the BHRL project update from Rhonda O'Byrne; I'll pass it over to Jim for an introduction.

Zornes: As Rhonda is coming up, I'll introduce her as the District Ranger on the Northern Hills Ranger District. We're fortunate to have all four Rangers here today; take a look at our Rangers as we introduce them so you'll know who to contact if you need help. Steve Kozel, Bearlodge Ranger District; Tracy Anderson, Hell Canyon Ranger District; Brad Turberville, Deputy District Ranger, Northern Hills Ranger District; and Ruth Esperance, Mystic Ranger District.

For the Forest itself; Jerry Krueger is the Deputy Forest Supervisor, Scott Jacobson, Ralph Adam, Twila Morris, the Rangers are all part of the Forest Leadership Team, you have a lot of representation here trying to pay attention to what is important to all of you.

Rhonda has an update on the BHRL project; we have a plan to move forward. Please give an update on where we are and what your position is.

O'Byrne: When we decided to move forward on the BHRL, I volunteered to be the project leader for this; I will serve as the conduit; to keep you involved now that you are our collaborative for the project.

At the last NFAB meeting, we were still trying to get the data updated; and it is pretty much done now. The next phase is really cracking down on the proposed action. Other than that I do not have a lot of updates.

My question for you today is how the Board, as the Collaborative for this project, wants to be involved. Does the Board want the Forest to develop a proposed action, and bring it to the Board, or would you want us to engage the Forest Health Working Group in developing the proposed action?

[The Forest Health Working Group members are: John Gomez, Nancy Trautman, Mary Zimmerman and Dave Brenneisen].

Brown: Both. Most importantly to get the Working Group involved and of course we do want that report back. If we could have as much involvement as possible, that would be best.

O'Byrne: Hopefully at the June meeting we'll have a proposed action ready for review.

Brenneisen: If you expect to have a draft proposal by the June meeting, the Working Group should be meeting with you prior to that so that we have a voice.

O'Byrne: Yes, that is the plan, and we are just getting ready to do that.

Brenneisen: HFRA does require collaboration; this goes beyond the Boards input. It would be good if you or someone could give us an overview of what HFRA requires in terms of collaboration.

Krueger: The authority under which we are moving forward as it exists in law is the Healthy Forest Restoration Act from back in 2003. HFRA was specifically designed to address forests at risk from insect and disease, and promote active forest management to mitigate those natural threats to the forest. It was amended in 2014 in the Farm Bill, it allowed for the designation of priority landscapes by the Governors in a collaborative landscape, this includes most of the Black Hills, and to utilize a proposed action, or no action NEPA process; it truncates the

analysis; you don't have to have seven or eight alternatives – it's a way for us to accelerate the analysis.

We are after a true collaborative in helping us shape what BHRL is going to look like as we move toward a decision in 15 months.

NEPA: NEPA is environmental analysis that requires us to look for the effects of a proposed action and to disclose it to the public. Rhonda used the acronym ID Team; Interdisciplinary Team; this is the analysis team in support of writing up the affects.

Brown: Our Forest Health Working Group is the one you'll match up to do this background, and there may or may not be additional Advisory Board members involved. The Forest Health Working Group members are: John Gomez, Nancy Trautman, Mary Zimmerman and Dave Brenneisen.

O'Byrne: We do need a proposed action that will be submitted to the public for comments by the end of June in order to stay on track with our timeline.

Brenneisen: You mentioned that the data has been updated, do you have anything in a form that can be shared with us?

O'Byrne: We are working on a document that we can show the information by District. Not only from our data base, but we did some air photo interpretation and that will be included.

Brenneisen: When you're comfortable with that update, can you share that with the Working Group?

O'Byrne: Absolutely, that would be key in developing a proposed action.

Storm Hill Fire ~ Ruth Esperance

Brown: The next item on the agenda is an update on the Storm Hill Fire. I'll turn it over to Jim for an introduction.

Zornes: You've been very successful on the Forest with the BPR approach; BHRL is the next large landscape project. The Storm Hill Fire, right outside of Hill City, is another wakeup call – another example of a fire in April; the fire season is getting longer and dryer, and the only opportunity we have to protect these landscapes to be resilient landscapes is to treat the Forest. There is a long line of wake up calls of why you have to manage the forest.

Storm Hill Fire - April 23-25, 2016

Fire Regime:

- Fire frequency, seasonality, severity, size, and spatial patterning all contribute to the Fire Regime.

Black Hills Historic Fire Regime:

- The historical fire regime is best characterized as low-severity surface fires, with occasional (>100 years) patches (<250 acres) of passive crown fire.(Brown et al 2008)
- Significant increases in coverage of dense stands and small diameter trees in the current forest greatly increase the likelihood of landscape-scale crown fire relative to surface fire.
 - 113 tpa (1500-1800s) vs. 529 tpa(2008)
 - Increase in trees < 8 inches dbh and loss of larger trees
 - Canopy base height was higher

Historic fire return interval for the Black Hills:

- 11-40 years
- 26 year average
- 40-50,000 acres/year

(Black Hills region)

Condition Class:

- A relative measure describing the degree of departure from the natural fire regime.
- The natural fire regime is a general classification of the role fire would play across a landscape in the absence of modern human mechanical intervention, but including the influence of aboriginal burning.

The Black Hills Are A Mixed Severity Type:

- Complex and difficult to characterize
 - Fuels, weather, and topography are all important
- Patchwork of fuels leading to a mosaic
- Low, moderate, and high intensities can all be represented in any fire
- Past and current management activities can add to or limit fire spread and severity
 - Future fires fully influenced by previous fires

Esperance: Does anyone have any questions?

Rahn: How did the fire start?

Esperance: It was human caused; I don't know if the person's name has been released.

Gomez: This happened in a MPB infested area; did you gain any knowledge about fire behavior with this fire?

Esperance: One thing we talked about, we thought it would consume more on the ground than it did. The photos we showed was the fire moving down the hill and back burning, so that was one thing we noticed. Another observation was that the fuel was standing up, and after the fire, it added fuel to the ground. It may take a couple of entries to address the fuel on the ground.

Brenneisen: Would you consider doing a prescribed burn in an area like that?

Esperance: Yes, in fact we are working with a similar area to the west of the District.

Burns: I drove by the fire the other day, and noticed a bunch of brown trees would those have been killed in a prescribed burn?

Esperance: That is a challenge of dealing with an unplanned fire, some of those trees were burned by the back burn activity; we may not have lost those if we had prescribed burn it.

Brown: Are there any other questions? Thanks for putting the fire out.
Before break, Jim you have some handouts.

Zornes: I would like to hand out this brochure about Leader's Intent for outdoor recreation, moving from restoration to recreation. I want you to pay attention to the region perspective; interesting information. Visitation vs. population; when you consider the Front Range, this information gives you some background, even with the smallest population that we show; look at the amount of visitors vs. population base, it is huge. Sustainable Recreation Strategy; Region 2 took an approach of education first; what are the drivers we are having to deal with; we'll be talking about trails; the most difficult thing we have to manage is recreation because we are dealing with people. Think about the demand that is out there, coming from the outside, and continuing to increase. Take this home and read it over; come by and see us or give us a call if you have any questions.

Motorized Trails and Permit Fees 2017 ~ Bob Burns, Dave Hague, Mary Zimmerman, Ralph Adam, Anne Apodaca

Zornes: Before we get started on the next topic; I would like to make a presentation. Part of the protocol for the new members is to receive their certificate of appointment, and we have one more to give today; Rosie Sprague; thank you for your service to the Board.

Next Ralph will be giving us an update on the Motorized Trails.

Adam: As Jim mentioned, this is an information brief. Update on 2015, and projection on 2016.

[Presentation]

Motorized Trails System

Travel Management Decision:

- Effective Date: December 1, 2010
- Brought Forest in Compliance with 2005 Travel Management Rule
- Closed the Forest to cross country travel unless designated open

Key Points of Decision:

- Effective Date: December 1, 2010
- 3,900 Miles of roads and Trail designated for motorized use
- Protects water quality
- Improves conservation of cultural resources
- Routes available people with disabilities
- Maintains non-motorized walk-in areas
- Allows motorized elk retrieval within 300 ft. of roads in designated areas
- Allows dispersed camping with 300 ft. of roads in designated areas
- Routes for various groups (62", single track, rock crawlers etc.)

Motorized Trail Permits (South Dakota):

- Motorized trail users are required to purchase a Black Hills National Forest *Motorized Trail Permit*.
- Each motorized trail vehicle (e.g., motorcycle, ATV, UTV, 4x4) is required to display a *Motorized Trail Permit*.
- Types of Permits available: Annual Permit - \$25; 7-Day Permit - \$20; and an Annual Commercial Permit (for vehicle rentals) - \$125.
- Permits are valid for the calendar year in which they are purchased
- Permits Available at all Black Hills National Forest offices, vendors in the community as well as online.

Motorized Trail Permit Fees:

- Essential for an Active Trail system
 - Specifically designed, maintained, and enforced to provide for specific uses
- NFAB/Recreation Resource Advisory Committee (RRAC)
 - Analysis
 - Public participation
 - Business Plan Produced
 - Recommendations made to Forest Supervisor
- Broad Support for a Special user permit system to support the trail system

Funding Source – RTP Grants:

Year	Grant Amount	Grant Includes:
2011 (2010 Grant)	\$358,840	OHV Cattle guards, Stream Xing Improvements, Gravel
2012 (2011 Grant)	\$225,021	OHV Trail Counters, Stream Xing Improvements, OHV/Road Cattle guards
2013 (2012 Grant)	\$187,059	Trail Crew, Materials, Equipment, Supplies
2014 (2013 Grant)	\$140,515	OHV Bridge, Stream X-ings, Low Water X-ings, Motorized Trail Crew
2015 (2014 Grant)	\$26,000	Trail 8251 Reroute and Rehabilitation Contract
2016 (2015 Grant)	\$231,542	Trailheads, Motorized Trail Crews, Kiosks
TOTAL	\$1,168,977	

Funding Source – Permit Sales

Year	Permit Fees	Fees used for:
2011	\$190,070	Maintenance Operations Administration (sales) Education Enforcement Management Equipment Usage Materials Permits (booklets, tags) Maps 5% goes to Regional Office Fund
2012	\$238,025	
2013	\$272,295	
2014	\$297,765	
2015	\$388,130	
2016	\$430,000*	
TOTAL	\$1,816,285	

Brief Summary from 2010-2016:

- Permit sales have not yet achieved the numbers projected in 2010 though trending upward
- 93% of the motorized trail miles in ROD are open in 2016
- Tremendous support to system from grants
- Appropriated \$ support though trending downward
- Volunteer/user group support is valuable

Steps required prior to a change in fee

- Step 1. Provide Public Notice and Request for Comments
- Step 2. Present findings and results of public notice and comments to the Forest's RRAC
- Step 3. Submit to Region 2 Fee Board and Regional Forester for Approval, include comments and recommendations from the Forest's RRAC
- Step 4. Prepare/Implement for the next year's fee cycle

Timeline for Completion of Fee Change Steps:

- **Step 1.** Provide Public Notice and Request for Comments **MARCH/APRIL**
- **Step 2.** Present findings and results of public notice and comments to the Forest's RRAC **MAY/JUNE**
- **Step 3.** Submit to Region 2 Fee Board and Regional Forester for Approval, include comments and recommendations from the Forest's RRAC **JULY**
- **Step 4.** Prepare/Implement for the next year's fee cycle **SEPTEMBER**
- **Step 5.** Implement on January 1

Brown: Are there any questions for Ralph?

Burns: I feel there might be some justification for selling only the yearly permit; based on the use by people from out of state.

Adam: The other side of it is that it may be a legitimate service to our public to offer the annual at an increased fee, and leave the 7 day at \$20.00. It's just food for thought?

Zimmerman: How often do you monitor the conditions of the trails, how often do you go through that, and what do you have as far as information about the trails?

Adam: I don't have that information with me today. Ben Schumacher is here with us today, and he is the trail specialist on the Mystic District. Ben would you mind addressing Mary's question?

Schumacher: We did some re-routes three years ago and they've been holding up well. We have some problem areas where MPB trees have fallen down. Last year we had record flooding, and the Rainbow Gathering, so we've had a setback. We've seen a large increase in use. Some of the trail systems get a lot more use than others. There are three or four trails that are really popular and those need the most attention. They are as good as they can be, but in some places they need a lot of work.

Rahn: The last couple of years I've seen some motorized incidents on Forest Service land, motorcycles driving around the woods. ATV's five in a row close to my fence line going across national forest land. Is there anything a guy should do to tell them that what they are doing is not proper?

Krueger: If you observe it, what do you do? We would ask that you call the District office; report what you are seeing. We also have limited law enforcement; but yes, we do issue fines. We have two levels of oversight; the Forest Protection Officer; regular employees who have been through training that are authorized to go out and work with the public and engage with the activity that you are describing. When there are resource damage issues, we involve law enforcement, and the Counties will almost always respond as well.

Brown: Income sources, and expenses, what is the ratio; what is the ongoing maintenance?

Adam: The goal is to have a self-sustaining system. As far as maintenance; \$300/mile for maintenance, last year it was upwards of \$500.00. We maintained over 300 miles of trail last year, at a cost of nearly \$200,000. It depends on the projects that you do; next year it might be a lower cost.

Brown: Sometimes the trails go through the recreation facilities but at the end of the day there are not enough dollars to do all of the things when we talk about general use of the Forest that is pooled together in many ways.

Adam: The RTP grants have really been a key to funding.

Gomez: You mention that you collect fines, how many citations and how much you have collected?

Adam: I do not have those numbers and the money does not go back to the program

Brenneisen: Are commercial permits sold on a per machine basis; so in 2015 there were only 57 machines permitted. Do your people visit the vendors?

Adam: Yes they do, and the numbers have increased.

Brenneisen: 57 seems like a low number; from a compliance standpoint that seems like an easy one to target and verify.

Burns: Following up on that, it seems like a good place to focus a Forest employee.

Brown: Any other comments?

Burns: Bill Colburn rented a side by side, and they got to an area where people were mud bogging, and a field that was crossed by vehicles. They knew it was too wet, so they decided to go back. When explaining it to the manager, she said “the machines can go through anything!”

Krueger: Last year it was so wet here on the BH and we still had intensive use and stupid stuff that people were out doing that we had to get involved in. The key point is twofold, one is that costs us a lot of money to fix, and second, people aren’t always as intelligent as you might think; a lot of the mud bogging ended up on Y-Tube and a lot of people did get a visit from law enforcement.

Brown Patty: The off roading community is very aware of these things, and we are just as disappointed in the rowdy groups and appalled at the damage being done. I always wonder why the Forest Service doesn’t advertise more; but we are stepping up and have put in for an RTP grant for 2017; and it will include the tread lightly program, and target social media, literature, television ads, etc. If anyone you know that is on the RTP board please encourage them to support our grant. We do need education; a classic example is teenagers; they just don’t know the rules sometimes.

Tysdal: You might want to include the Chambers of Commerce in the training and education. It’s really hard on private land; recreation is not all that much fun if they abuse it.

Brown: Next agenda item is the Sturgis Trail proposal.

Sturgis Trail Proposal ~ Kevin Forester

Who is Black Hills Trails?

The mission of Black Hills Trails is to maintain and enhance the trail experience in the Black Hills of South Dakota and Wyoming.

The ultimate goal of Black Hills Trails is a future Black Hills where a diverse network of studiously designed, judiciously constructed and expertly maintained trails connect every city, town and point of interest in the region. The organization seeks the proliferation of recreational and back-country travel opportunities for all non-motorized user groups. In pursuit of these goals Black Hills Trails provides support to individuals, organizations, and events that promote these ideals and will strive to work with land managers in support of recreational opportunities.

- 501(c)(3) Not for profit charity
- Promotes Multiple Use
- Members include foot, bicycle, and equestrian users
- 125+ members and growing

What have we done?

- Trusted Trail Maintenance Partner for USFS, BLM, and Cities of Sturgis/Whitewood
 - Cleared 35 miles of Centennial Trail after Winter Storm Atlas
 - Reconstructed 11 miles of Centennial Trail from Elk Creek TH to BLM
 - Constructed 10 miles of new single track trail on BLM, and Cities of Sturgis/Whitewood lands
- Organized/Promoted many outdoor recreation events
 - Tatanka 100 - Mountain Bike Race
 - Black Hills 100 - Running Race
 - Fort Meade Remount – Horse Race
 - Sturgis Volksmarch – Hiking

Developed relationships with Local Government, Federal land Managers, and lateral volunteer user groups

Supported by the community

- Letters of support provided to USFS by
 - City of Sturgis
 - Meade County
 - Black Hills Council of Local Governments
 - Sturgis Economic Development Corp
 - Sturgis Chamber of Commerce
 - Volunteer User Groups

Supporting Guidance Documents

- 1997 Black Hills National Forest Land & Resource Management Plan
- Phase II Amendment Land & Resource management Plan

Goal 4: Provide for scenic quality, a range of recreational opportunities, and protection of heritage resources in response to the needs of the Black Hills National Forest visitors and local communities.

416. Maintain and construct trails as displayed in the following table:

Non-motorized Trails (1996) 293 miles

Motorized Trails (2009) 36 miles

Non-motorized Trail Construction 204 miles

Motorized Trail	700 miles	or conversion from Road to
Total Forest Trail System	1,250 miles	Construction/Improvement 800 miles

The National Trails System Act

- SEC. 2. [16USC1241]
- (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation.
- (c) The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.
- SEC. 3. [16USC1242] (a) The national system of trails shall be composed of the following:
- (4) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.
- **Centennial Trail is a National Recreation Trail**
- SEC. 11. [16USC1250] (a)(1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

Participation Activities

Growing

- Hiking 43 to 54%
- Biking 4 to 12%
- Picnicking 8 to 10%

Declining

- Viewing Nature 58 to 53%
- View Wildlife 44 to 39%
- Fishing 15 to 9%
- Hunting 7 to 5%
- Pleasure Driving 31 to 23%

Supported by Statewide Outdoor Comprehensive Outdoor Recreation Plan

What are the barriers?

All stakeholders are committed with the exception of the USFS

- Recreation is not a priority
- Lack of budget and staff
- Lack of trust in volunteer partners
- Timelines measured in decades -- a full generation in some instances
- Study groups with solutions that are never implemented

How can NFAB help?

Pass a resolution advising the Black Hills National Forest to dedicate the staff time and begin the NEPA process immediately.

Brown: Are there any observations?

Zornes: It's going to be an ask to the board for a proposal that Kevin has brought forward. We had a good meeting the other day and were able to talk through some of the constraints. I would like to talk about it in the final piece. We agree that this looks like a good project. We are going to have Ruth come up and do a short presentation. What does that mean, what does it entail in terms of time and money? Please hold your thoughts and after the proposal there will be time for questions.

Brown: Ruth will address NEPA and non-motorized trails in her presentation. We want to get everyone on the same page. There are multiple use interests we are trying to work with. What are the current recommendations and how does NEPA fit into this? Keep in mind we are an advisory board.

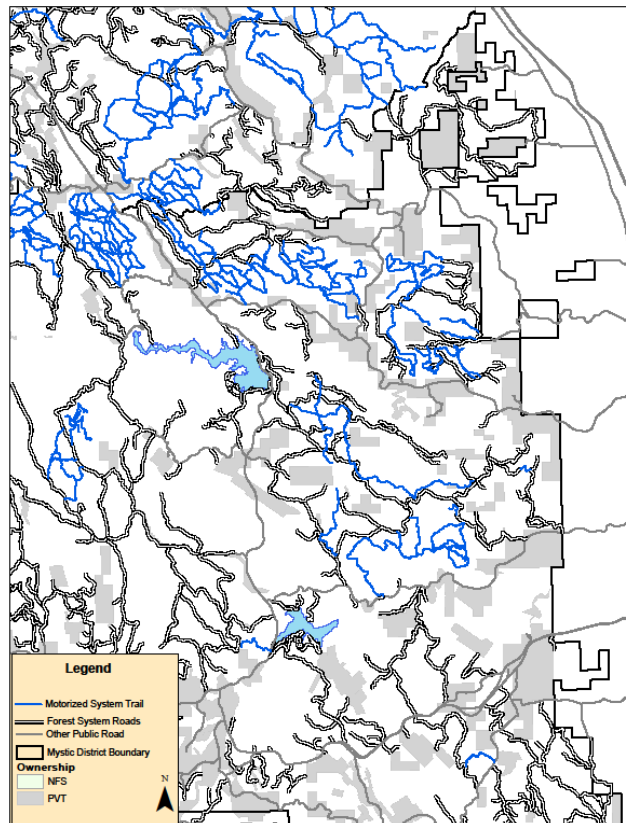
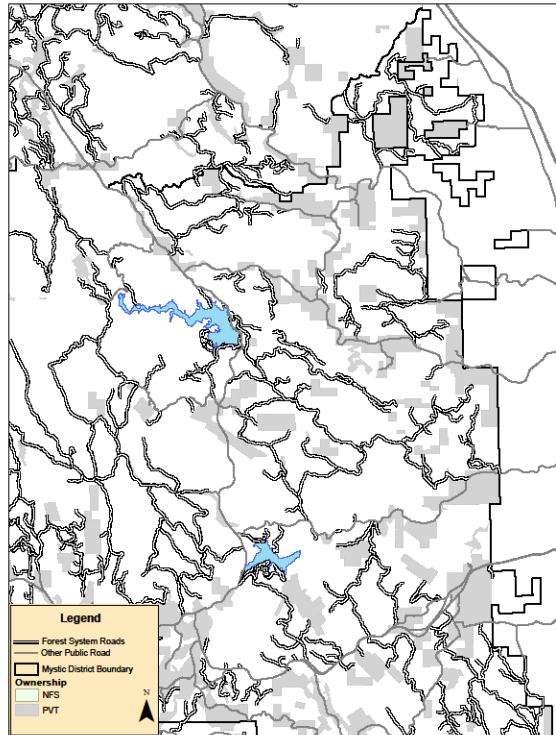
Non-Motorized Trails (Mountain Bike Trails) ~ Ruth Esperance

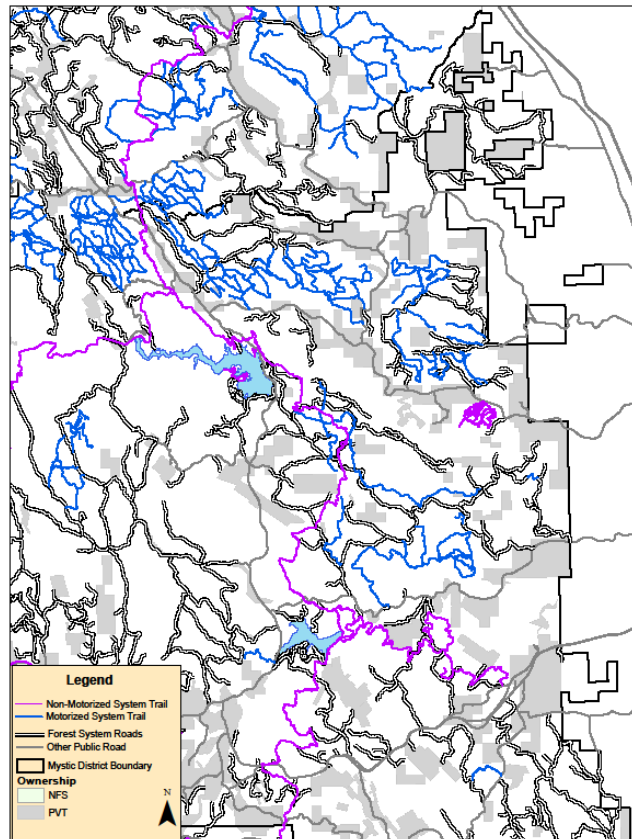
“Multiple Use”

- “Multiple use” means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

Trail Strategy

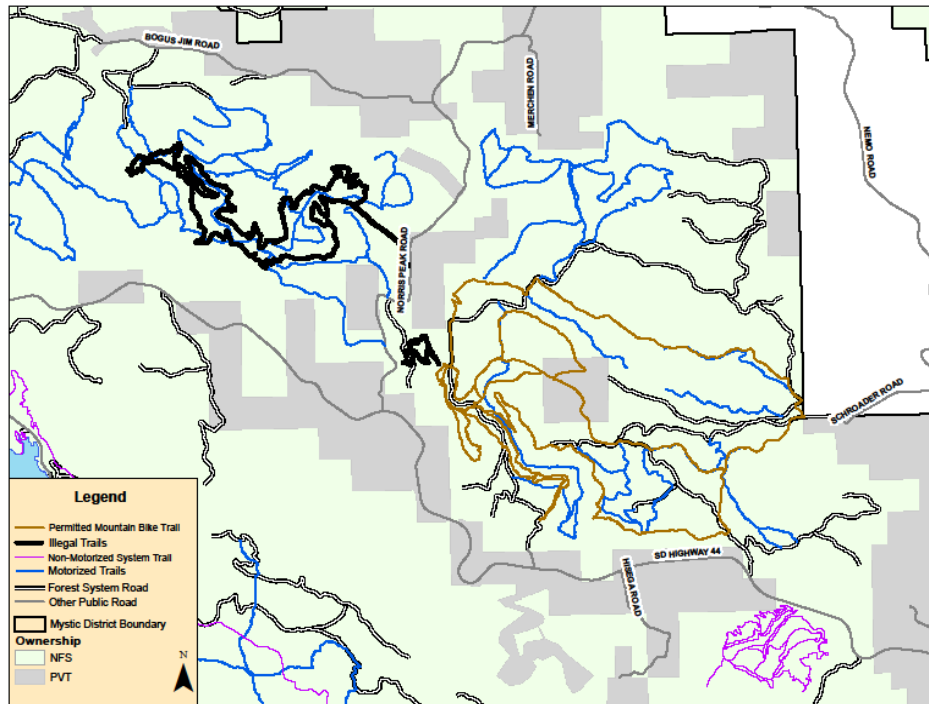
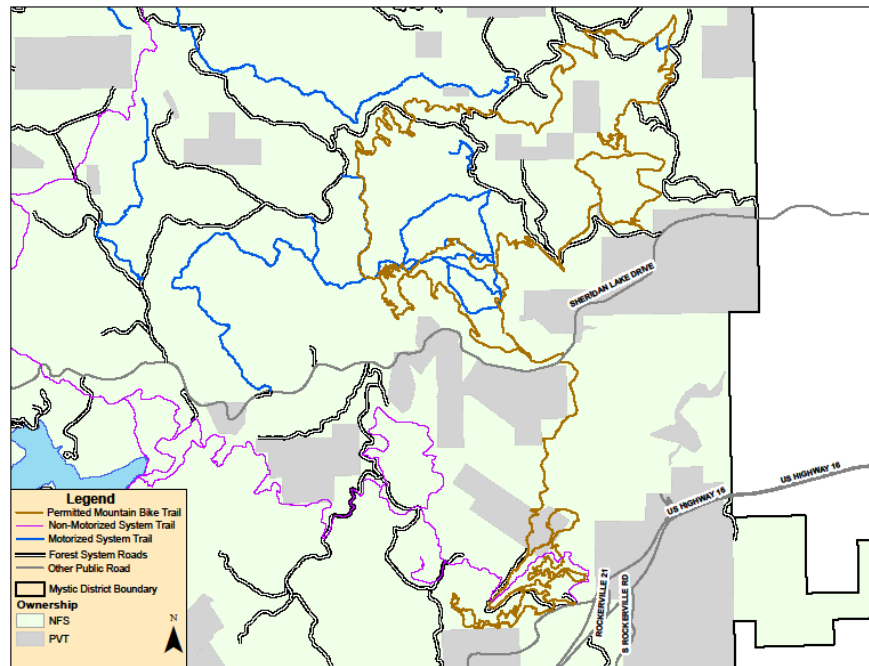
- Motorized 2010
- Non-Motorized future (TBD)





WHY?

- April 1, 2016
 1. Stop the construction of illegal trails
 2. Ask for support to stop illegal trail construction and to begin to seek commitment to identify an ecological and financial sustainable trail system.



THAT IS WHY IT IS IMPORTANT

1. Please do not condone nor support illegal trail construction in your Black Hills
2. We need your help in contribution to a trail strategy that balances the multiple uses across the Black Hills National Forest in an ecological and financial sustainable manner.

Krueger – The national and international piece of this is important. I was at a training in Santa Fe, NM and met with some Pueblo Indians. They referred to how a mountain bike trail went through a sacred site. It is not just a physical issue but cultural issue as well.

Patty Brown: Was the blue path on the map single track or two track?

Esperance: It was both.

Brown: Ruth, would you like to move into the NFAB presentation next and tie these presentations together?

Esperance: Yes, we can do that.

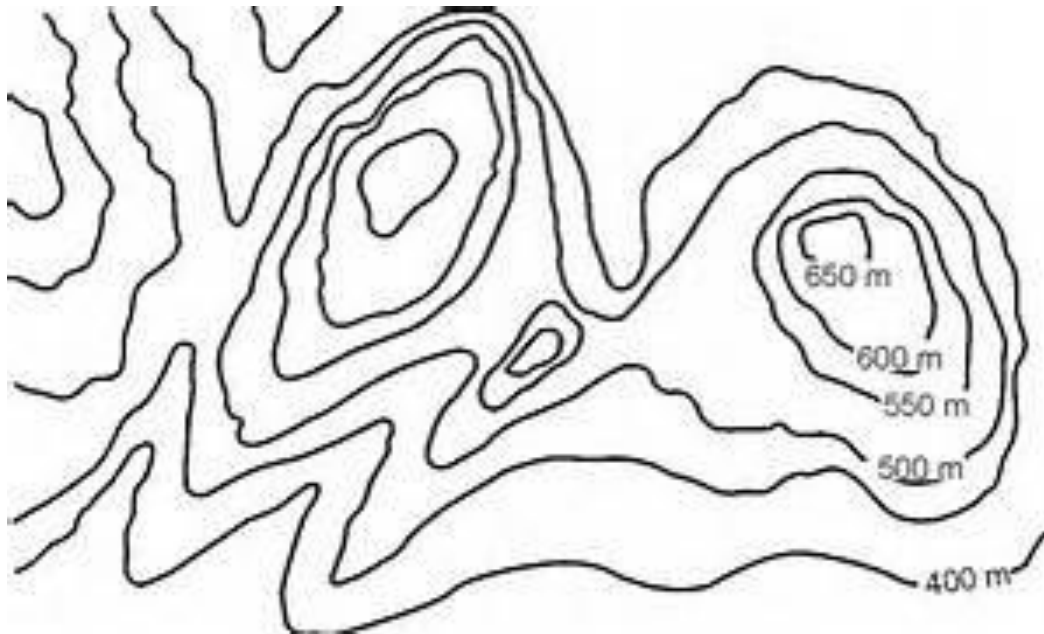
BHNF Project Proposal Process & Working Group Organization Discussion ~ Ruth Esperance & Jim Zornes

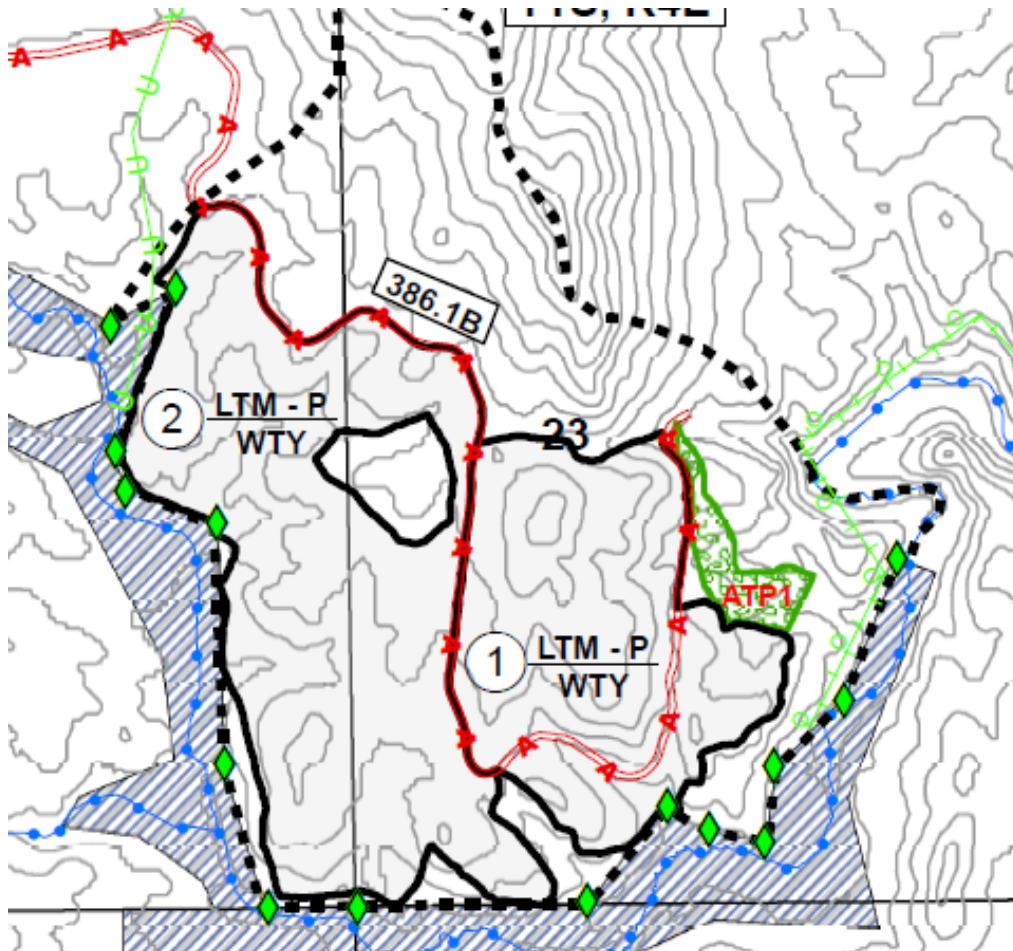
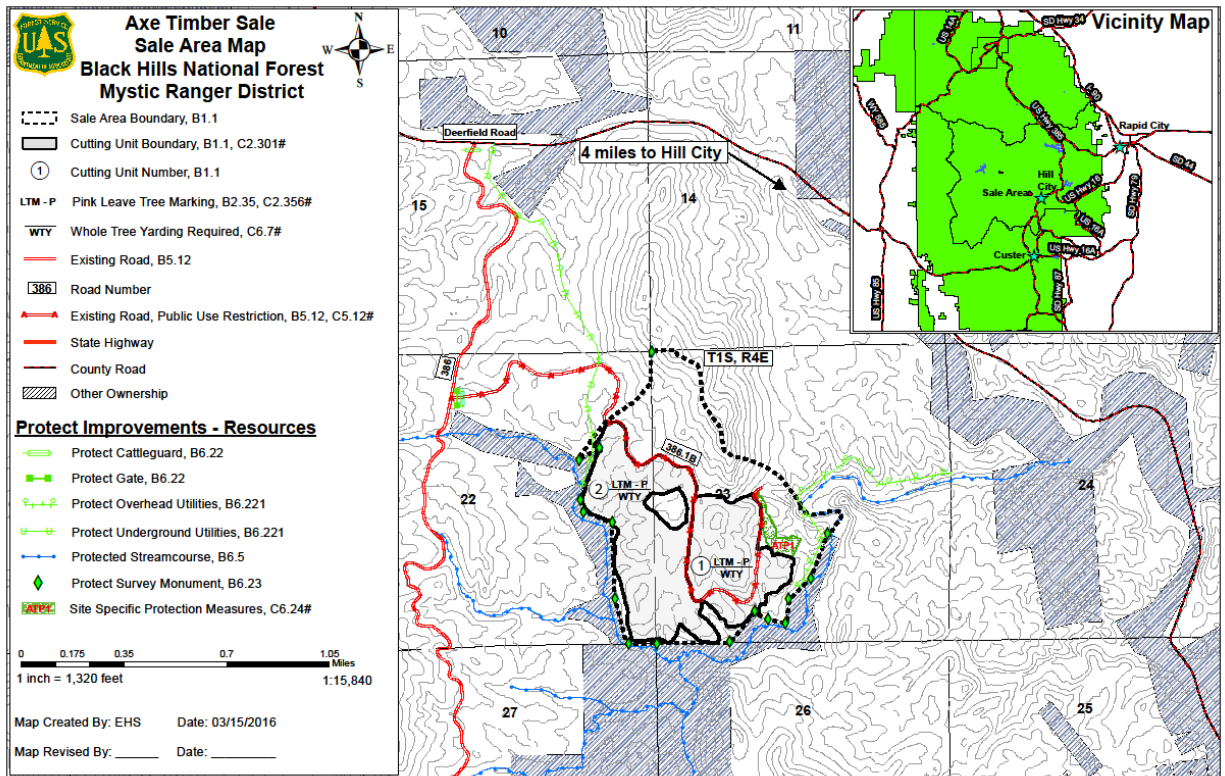
National Environmental Policy Act a.k.a “NEPA”

- National Historic Preservation Act of 1966
- Endangered Species Act - 1972
- Clean Water Act Of 1972
- CEQ – Council of Environmental Quality
- Regulation & Policy

Project Proposal

Always begins with scoping – externally and/or internally





Zornes: We asked Ruth to not bore people to tears with NEPA. It takes a career to understand planning and the planning end of it is the legal end of it that looks at these projects before we engage.

Krueger: When we have an undertaking, such as a new trail, a timber sale, or road development, we are required to engage in the very deliberate NEPA process. We don't invoke or have an option and this causes anxiety when they hear us talk about NEPA because it takes time because law, policy and the courts have had a great deal to do with shaping it. When you hear the term "Bullet proof NEPA" it means the NEPA is sufficient to withstand lots of legal challenge.

Brown: Would you like to go to your proposal or questions and how multiple use areas would be incorporated?

Zornes: When we started thinking about all of these issues and ones that are recreation driven, we asked, what can we do as the Forest Service to not be a stick in the mud? The starting point is the Forest Plan 1997 version. This has standards, guides, and everything that has to do with 5 areas. We have outgrown that with all activities and management that is part of the National Forest. Our building block and the next piece is, what is the forest plan strategy? Look at motorized vs. non – motorized. Travel management planning; that has been done. We will have to have something for non-motorized. How are we doing on these two major uses? Here is the piece for the board: We are having lots of demand and demand from the standpoint of local, regional and national for activities and resources on this Forest. That means all of the proposals are piling up. If we were to look at something like Kevin's proposal, people struggle with the NEPA piece. There is talk of law, policy, and regulation. Laws are violated all of the time and that's sent to U.S. court cases. Take something gray to a judge and that builds case law that rolls back into NEPA to be used next time and that violation makes many lawyers rich. This is another building block in use and regulation strategy. If you have something that is a great idea, who is going to manage the maintenance? It generates a lot of money. When you come with a proposal, how are you going to maintain this, do you have partners, how much, where, when and the standards piece? We talk sustainability and maintenance, is it for stock use? All of these trails have different structure parameters. It may cost more for a stock trail than hiking trail. It's not that recreation is not a priority, it is a priority. With everything going on, it has to get in line. How many priorities do we have? Look at the impact of the mountain pine beetle. We have a perfect storm. If we don't treat mountain pine beetle, fire will. We don't know the full impact of the bugs. They have infested over 400,000 acres and if we don't do something in the restoration, Mother Nature will do it. At the same time, we don't want to not look at the other areas, range, arch, and other areas. When you look at this chart, there are currently 3 working groups: Forest Health, Recreation Facilities and Non-Motorized Trails/Over Snow. We have three different types of uses. If we were to design a system of what we would like to see on what trails as a priority, would it be patterned after something that Kevin has done? Are you capable of funding NEPA? It is going to take a while to do. The fires are burning and the bugs are munching. We would ask the board, the ask may change as the group moves forward, to appoint a sub working group built out of the trails/recreation working group. Part of this board is educational. In the sub group, we would want trail users and hiking represented. There would be a line officer, most likely Annie Apodaca, to develop a process and with that process, develop a brochure. This is the process we'd like to see for information that comes in. The quickest way to get a project moving, is to first have a good project. Second, we are capable as a group of figuring stuff out. Let's work

collectively to develop a solution. Money is always tight. Don't think it's a great project and asking how are we going to fund it? The burden may come back to the proponent. If you want it done soon, you are going to have to find the means of getting NEPA done. That request is to the board and the proposal would come from the working group.

Krueger: I'll add some additional context. The issue of recreation pressure is not new. We've seen it morph over time. With regards to non-motorized trails, there was a GAO trail report issued after the Forest Plan and objectives. The GAO report said to the land management agencies and the Forest Service, you have over developed a trail system that you cannot maintain or sustain. Just like the 2005 process that resulted in the 2010; 10,000 miles of roads that are unsustainable. GAO said stop building these trails, there is no net gain of trails, recognize we've done too much and to at least keep the status quo. If we want to add additional miles, what can we take off on the other end? Kevin and Sam, that doesn't mean that your proposal isn't good and we shouldn't do it. The state of South Dakota and Governor Daugaard have told us that our number one priority is the Mickelson trail connection between Mount Rushmore National Memorial and the Mickelson trail. Because of the ask of what is coming to the board, having the full story is really important and we wanted to provide that additional context. Part of this work is under way with subpart c – the motorized winter version. Judicial decree said, the Forest Service needs to get busy on this. There is no deadline, but now subpart c is a priority. This is the winter over snow equivalent and remember the fat tire group came in and they want a part. The recreation/trails group and our staff are looking for help on how do we handle all of this? Maybe a fellow from Hot Springs wants a connector trail tomorrow and Ruth talked about other trails that folks want added to the system. We need help and from a non-motorized point, how can we make this work better for everyone so that folks don't feel ignored or that the process isn't happening.

Zornes: When Jerry and I talked about this, we wondered if this the right place for this request. We could do it internally, but it wouldn't be as good. The board has the interaction and integration with the sub group and it is going to be a process that is developed collaboratively.

Brown: There are only two of these advisory groups in the nation and the sole purpose is to provide advice. The Forest Supervisor could proceed without the group, but that is why we are here. There are 16 interest groups on the advisory board. Within our charter, we provide advice and participation that can help establish a workable process. What do the other members say? We should be involved in the supported multi-use perspective.

Wiebers: On the NEPA side, does the Forest have to do NEPA to get rid of trails you want to get rid of?

Zornes: Not for every mile that is proposed does a mile need to be removed. Some sort of decision needs to be made to remove and add trails and roads. It takes time and as a result of a court case, where we were using CEs without public input, it takes public input. I'm not saying we build 25 miles of new trail that we need to remove 25 miles. There may be 5 miles that need reconstruction that we would close. No hard and fast rules and that's part of what this group would look at. We may have trails in sensitive areas that we would take a look at that we could close for a period until they could be reconstructed.

Brown: The Advisory Board could suggest that we want them to make an exception and we agree as a board. As a matter of implementation and policy, our advisory group can do lots of things.

Brenneisen: From Kevin's map, it shows a number of trails and USFS roads. I recognize that one we built was less than 15 years ago. There are 10,000 miles of road the Forest Service already has maintenance responsibility. Are those roads open to some sort of use? Are those green trails existing trails on the ground?

Forester: Yes, the green exist in some nature but they are not sustainable and they need to be adjusted for sustainability. One section might be a cow path, motorcycle trail or other, hence the desire to adjust so it will last.

Brenneisen: The roads in blue are not an addition, are closed to motorized use, but open to non-motorized. It seems that the maintenance wouldn't change but usage might increase.

Forester: The city of Sturgis would absorb maintenance responsibility.

Burns: All of those would come out through NEPA. What would be the approximate time and cost? Can they use a 3rd party to do the NEPA?

Zornes: No they cannot hire a 3rd party. The Forest has to approve the 3rd contractor. If you get a dud contractor, they will lose the money on a concept they wouldn't accept. We use contractors with no red flags. Cost wise, if they were able to raise money, they could do it in a year, for around \$100,000. That includes money for our specialists. They don't have time to turn lose their priorities and part of that would be bringing a specialist in. That might be high and when we looked at this, they have taken some of those watch out areas out, like proximities to caves. If it is a Forest Service road and we design that trail, the next timber sale will use that road and it will be closed 3-5 years.

Brown: Fundamentally, with what the NFAB is being asked to do, yes we would and we should participate in the development to enhance and encourage a decision-making process. Are there any objections whether we should be involved in formulating a process to review potential recreational use projects? In my view, we should be involved.

Rahn: Why don't you appoint a sub-committee?

Brown: That's what we are talking about and what the Supervisor would be looking to do.

Zimmerman: I have a comment. I think it's important to acknowledge that whatever the process is, it isn't an automatic road to "Yes". If we are not the most fragmented Forest yet, we are in the running. I don't think the demands are going to decrease, but increase. If there is one user group that is entitled, it is future generations and we need to make sure we have a Forest for them. It's frightening to see the overlay of illegal trails on the maps Ruth showed of the designated motorized routes. Do we know the capacity for people on these trails? We need to learn to say no and those involved with the process need to show patience and self-restraint. It's daunting and I admire how the Forest Service handles it.

Brown: We are assessing and looking at projects. How do we get a sub-committee together? How do we expedite the process with all of the parties involved with everyone having a role to play and making a decision that everyone understands. What are the current rules, laws and regulations? How do we make it more educational and understandable?

Allen: I want to thank everyone who presented. I had seen news and opinions before the meeting on some of the topics covered. Coming to NFAB made everything fall into place with everyone representing their point of view and concerns. Everyone came together to help with an understanding.

Brown: We would ask that before our next meeting, the Supervisor will place in writing what the mission is and how our Board would be involved. We urge the Supervisor to move forward on what you want to move forward on.

Gomez: I feel bad for Kevin and his group. They have worked hard and have been thinking about this. It's a pity that we might lose a partner like that because of the process. It is a good idea and when a good partner comes, we could use them.

Zornes: I don't see Kevin as having to wait on this process and we have solved some problems that gives him an opportunity to move forward. They are capable and we support them moving forward as they become successful in funding. When they are ready, we are ready.

Tysdal: Kevin, is the water for city use? Have you taken into consideration what you'd do with the water?

Forester: The water continues down alkali to users. It has to make it over a ridge to Sturgis. There has been talk to find how to use it and what they can do with this resource as well. With water, there is a cause and effect. If they take it out, there are current homes and agriculture it would effect. We have no desire to try and use any of the water except for recreation.

Tysdal: If the water is polluted, what happens to the people downstream? I'm scared about resources.

Forester: We've had the tread lightly discussion. Bikes are human powered and we don't have the ability to mud bog.

Brown: A number of questions will be addressed in the NEPA process. With that, are there any other comments about this topic? We will open it up for questions and comments from members of the public.

Public comment

Kent Jacobs: I'm the president of the Black Hills Mountain Bike Association and involved with motorized use. Through that involvement, the one thing that I've seen, is part of the process should be to utilize volunteers and third parties. Tell us what the problem is. We will fix it. That is where we are running into structural issues. If there is a 3rd party, how do we get the work on the Forest Service side to not be a burden but to unburden the Forest Service? If we get a yes go do NEPA, getting funding and volunteers is easy but the structure isn't there to provide for those resources.

Krueger: We have hired an individual to work with volunteer coordination. That individual will become the clearing house to make those things happen.

Becky Patterson: With the new proposal, is there a fast tracking of removal of trails? We are the most heavily roaded forest in the country and we need to remember tourists are looking for peace and quiet.

Brown: Thank you and that reflects what we are talking about.

Brent Kurtzman: I'm the past president the Black Hills Mountain Bike Association. I have to applaud these groups. It's refreshing to see this come to fruition.

ADJOURN

Brown: Are there any more comments? If not, could I have a motion to adjourn? Motion to adjourn by Alice Allen; seconded by Jennifer Hinkhouse. The motion passed unanimously.

The Meeting adjourned at 4:55 p.m. Next meeting is scheduled for Wednesday, June 15, 2016.